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Alaska Bar No. 8306019

Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. 3:05-cv-260-JKS
)	
Plaintiff,)	<u>DECLARATION OF COUNSEL</u>
v.)	<u>IN SUPPORT OF MOTION FOR</u>
)	<u>DECREE OF FORFEITURE</u>
ONE MARLIN FIREARMS CO. RIFLE,)	
MODEL 25N, .22 CALIBER, SERIAL)	
NUMBER 08587184,)	
)	
Defendant.)	
_____)	

I, JAMES BARKELEY, am an Assistant United States Attorney and represent the plaintiff, the United States of America, in this action.

1. A Verified Complaint for Forfeiture was filed on November 7, 2005. Docket 1. The Complaint alleges that the defendant property, described as ONE MARLIN FIREARMS CO. RIFLE, MODEL 25N, .22 CALIBER, SERIAL NUMBER 08587184, constitutes firearms or ammunition involved in or used in violation of 18 U.S.C. § 922(g)(1),

and is therefore subject to forfeiture to the United States of America under 18 U.S.C. § 924(d)(1).

2. An *In Rem* Warrant of Arrest was issued by the Court on November 8, 2005, providing that all persons interested in the defendant property were required to file their verified statements with the Clerk of Court within 30 days of the earlier of receiving actual notice of execution of process or completed publication of notice, pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims. Also pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims, persons claiming an interest in said property shall serve and file their answers within 20 days after the filing of the statement of interest with the Clerk of Court, United States District Court, with a copy thereof sent to the undersigned. Docket 4.

3. Notice of this action was published by the Bureau of Alcohol, Tobacco, Firearms, and Explosives in the Fairbanks Daily News-Miner on March 17, 24, and 31, 2006. Docket 9.

4. Dwayne Roberts was personally served with copies of the Verified Complaint for Forfeiture and Request for Judicial Issuance of *In Rem* Warrant of Arrest via U.S. Certified Mail, Return Receipt Requested on November 9, 2005. Mr. Roberts was personally served with notice of this judicial forfeiture action via Certified U.S. Mail, Return Receipt Requested, on April 6, 2006. Docket 10.

5. Andrew John Folger was personally served with notice of this judicial forfeiture action via Certified U.S. Mail, Return Receipt Requested, on April 6, 2006. Docket 10.

6. No claims or answers have been filed in this action.

7. On November 22, 2006, the Court entered a Default Judgment in favor of the United States and against all those persons and entities claiming an interest in the defendant property in this case for failure to plead, answer, or otherwise defend, as required by law. Docket 19.

8. Declarant knows of no reason why a decree for the forfeiture of the defendant property should not now be entered.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 6th day of December, 2006 in Anchorage, Alaska.

NELSON P. COHEN
United States Attorney

s/James Barkeley
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CERTIFICATE OF SERVICE

I declare under penalty of perjury that a true and correct copy of the foregoing DECLARATION OF COUNSEL IN SUPPORT OF MOTION FOR DECREE OF FORFEITURE was sent via U.S. Mail this 6th day of December, 2006, to:

DWAYNE L. ROBERTS
P.O. Box 46
Tanana, AK 99777

ANDREW JOHN FOLGER
Third Street (P.O. Box 46)
Tanana, AK 99777

s/James Barkeley_____